

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by:
Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences, USPTO
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Paper

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

APPLIED RESEARCH SYSTEMS ARS HOLDING, N.V.
Junior Party
(Patent 5,272,071)

v.

CELL GENESYS, INC.
Junior Party,
(Application 08/102,390)¹

Patent Interference No. 105,114

Before McKELVEY, Senior Administrative Patent Judge, and MOORE and POTEATE,
Administrative Patent Judges.

MOORE, Administrative Patent Judge.

JUDGMENT - NO INTERFERENCE-IN-FACT

¹ Both parties were accorded junior party status (See Paper 1).

FAXED

JUN 24 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

On June 22, 2004 a panel of this Board rendered a decision on preliminary motions.

Further to that decision, it is hereby:


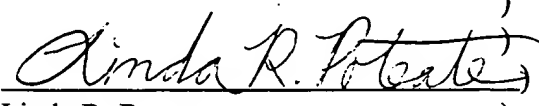
ORDERED that junior party APPLIED RESEARCH SYSTEMS ARS HOLDING, N.V. is not entitled to claims 1, 2, 5-7, 9-20, 22, 23, 25, 26, 32-39, 52-54, 56, and 57 (corresponding to Count 1) of patent 5,272,071.

FURTHER ORDERED that junior party CELL GENESYS, INC. is not entitled to a patent containing claims 105, 110, 111 and 112 (corresponding to Count 1) of application 08/102,390.

FURTHER ORDERED as to the remaining claims of each party, i.e., claims 3, 4, 8, 21, 24, 27, 31, 40-51, 55, and 58 of ARS's patent 5,272,071, and claim 106 of Cell Genesys' application 08/102,390, that there is no interference-in-fact.

FURTHER ORDERED that this interference is terminated.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/102,390 and patent 5,272,071.

<i>m.g.K</i>)	
Fred E. McKelvey, Senior)	
Administrative Patent Judge)	
)	
)	
)	
James T. Moore)	
Administrative Patent Judge)	
)	
)	
)	
Linda R. Poteate)	
Administrative Patent Judge)	

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,114
ARS, N.V. v. CELL GENESYS, INC.

Paper 173
June 23, 2004

By facsimile:

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INTERFERENCE DIGEST

Interference No. 105,114

Paper No. 41

Name: Arthur I. Skoultchi

Serial No.: 08/102,390

Patent No.

Title: PRODUCTION OF PROTEINS USING HOMOLOGOUS RECOMBINATION

Filed: 08/05/93

Interference with Chappel

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 6/24/04

Court, _____ Dated, _____

REMARKS

INTF. terminated. NO Interference. IN FACT

This should be placed in each application or patent involved in interference in addition to the interference letters.